Single Bench (3)

IN THE HIGH COURT OF JUDICATURE, AT- BILASPUR (C.G.)

W. P. No. 4818 OF 2004

BETWEEN

PETITIONER : B.D.BERWANSHI
AGED : 50 YEARS
SON OF SHRI LADU RAM BERWANSHI
POSTED AS – OFFICIATING DISTRICT
EDUCATION OFFICER,
AT- RAJNANDGAON
R/O- RAJNANDGAON (C.G.)

4856/18 Presented by Shri R.K. Kesharwani P.R. dated 13.12.04

VERSUS

RESPONDENTS : 1. STATE OF CHHATTISGARH
THROUGH – THE SECRETARY,
SCHOOL EDUCATION DEPARTMENT
MANTRALAYA D.K.S. BHAWAN, RAIPUR

2. SMT. J. RANGARI,
PRINCIPAL,
GOVT. HIGHER SECONDARY SCHOOL,
TUMADIBOD, DISTT. – RAJNANDGAON

ADVOCATE CHHATTISGARH Regd No 24-5-2003

Clerk to A. G. Bilaspur 13/12/04

WRIT PETITION UNDER ARTICLE- 226 & 227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, SUITABLE DIRECTION OR DIRECTIONS, ORDER OR ORDERS

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4818/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

17/01/2005

Shri Malay Kumar Bhaduri, counsel for the petitioner.

Shri Akhil Agrawal, Panel Lawyer for the State.

Heard.

By the instant petition, the petitioner has challenged the order of transfer vide Annexure–P/1 by which the petitioner has been transferred from Rajnandgaon, where he was posted as In charge, District Education Office to Chhuikhadan of District Rajnandgaon as Principal, Government Higher Secondary School (Boys). Learned counsel for the petitioner submits that initially he was posted to present place of posting vide order dated 07/08/2004 as Annexure P-3 and only after 40 days, the above order has been passed which is without any complaint or any administrative exigency. Learned counsel for the petitioner further submits that as per direction of this Court passed vide order dated 29.09.2004 of Annexure-P/8, he had submitted his representation to the respondent which was decided by order dated 09/12/2004 of Annexure–P/2, wherein it was mentioned that previously the State Government has passed the order by mistake and therefore transferring the petitioner by order of transfer was amended and the representation of the petitioner was rejected.

I have heard learned counsel for the petitioner.

I have gone through the decision of the State Government, which is at Annexure P-2, on the representation of the petitioner. The petitioner is a lecturer, however, he was made In charge, District Education Officer vide order dated 07/08/2004 of Annexure P-3 and by which the petitioner was transferred temporarily and accordingly the above irregularity was rectified by the order dated 16/09/204 of Annexure P-1 and the petitioner has been transferred to his present place of posting at Chhuikhadan, District Rajnandgaon on the ground of administrative exigency and same cannot be amended and transfer him from service and after going through the facts and circumstances of the case, I am of

–FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	the opinion that the same cannot be challenged by the employee. Accordingly, the petitioner deserves to be dismissed and it is dismissed. In view of this order, M.W.P. No. 5093/2004 and I.A. No. 9577/2004 stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	